

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA**
Norfolk Division

NIKIKE NAMAR TYLER,

Petitioner,

v.

CHADWICK DOTSON, *Director of
Virginia Department of Corrections,*

Respondent.

Case No. 2:23-cv-253

ORDER

Petitioner Nikike Namar Tyler seeks a writ of habeas corpus pursuant to 28 U.S.C. § 2254, challenging his 2022 convictions in the Circuit Court for Henrico County, Virginia for conspiracy to distribute a Schedule I or II controlled substance, conspiracy to distribute more than five pounds of marijuana, conspiracy to conduct money laundering, and continuing a criminal enterprise. Respondent Chadwick Dotson, Director of the Virginia Department of Corrections, moved to dismiss the petition. ECF No. 13.

Before the Court is an unopposed Report and Recommendation, in which the Honorable Douglas E. Miller, United States Magistrate Judge, concluded that the respondent's motion to dismiss should be denied, without prejudice, and the petition should be stayed and held in abeyance for six months or until his state claims are exhausted, whichever occurs first. ECF No. 17.

Judge Miller advised the parties of their rights to object to his findings and recommendations and explained that failure to timely file an objection would result

in a waiver of appeal from a judgment of this Court based on such findings and recommendations. ECF No. 17 at 9 (citing *Thomas v. Arn*, 474 U.S. 140 (1985); *Carr v. Hutto*, 737 F.2d 433 (4th Cir. 1984); *United States v. Schronce*, 727 F. 2d 91 (4th Cir. 1984)). The time to file an objection has expired, and neither party objected to the Report and Recommendation.

In the absence of a specific written objection, this Court may adopt a Magistrate Judge's recommendations without conducting a *de novo* review, unless the recommendations are clearly erroneous or contrary to law. Fed. R. Civ. P. 72(b)(2); *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir.1982) (citations omitted); *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 316 (4th Cir. 2005).

The Court has reviewed Judge Miller's findings and recommendations and found no clear error. Accordingly, the Report and Recommendation (ECF No. 17) is **ADOPTED**.

The respondent's Motion to Dismiss (ECF No. 13) is **DENIED**, without prejudice. This action is **STAYED** and **HELD IN ABEYANCE** for six months or until the petitioner's state claims are exhausted, whichever occurs first.

The Clerk is **DIRECTED** to send a copy of this Order to all counsel of record.

IT IS SO ORDERED.



/s/

Jamar K. Walker
United States District Judge

Norfolk, Virginia
August 29, 2024